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| 08/977,591      | 11/25/1997  | JUNICHI NAKATA       | 450100-4193         | 3294             |

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EXAMINER

TRAN, HAI V

| ART UNIT | PAPER NUMBER |
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2611

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

08/977,591

Applicant(s)

NAKATA ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/03/2004 has been entered.

### ***Response to Arguments***

Applicant's remarks with respect to newly presented claims 19-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "a control component" and "an information signal component" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of

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the scope of the invention. The terms "a control component" and "an information signal component" in claim 19 are relative terms which render the claim indefinite. It is unclear what elements described in Fig. 1, 8 and 9 corresponds to such terms. For example, it seems that "a control component" could be "a remote command device" or element 2 of Fig. 1 or element 41 of Fig. 8. Moreover the term "an information signal component" could be also defined as "a remote command device" or element 2 of Fig. 1 or element 41 of Fig. 8.

Claim 29 recites the limitation "said remote control" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "said identification component" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said identification component" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

The following art rejection is applied to applicant claims as best understood in view of the 112 2<sup>nd</sup> paragraph rejection above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 19-20, 22-24, and 26-40 are rejected under 35 U.S.C. 102(e) as being unpatentable by Harada et al. (US 5721583).

Claim 19, Harada discloses an information signal transmission system (Fig 18A-B), comprising:

A network interface 322 connected to a 1<sup>st</sup> presentation device and to a 2<sup>nd</sup> presentation device (plurality of terminal apparatus 306) through a network 320;

A control component 324 connected to said network interface 322;

An information signal component (not shown but inherent) connected to said control component 324 and to said network interface 322; and

An identification component 326 connected to said control component 324;

Wherein while said information signal component (not shown but inherent) outputs an information signals (video data) to said 1<sup>st</sup> presentation device through said network interface (Col. 15, lines 13-57 and Col. 24, lines 8-30), said identification component stores identification data indicating an identification code identifying a user (Col. 24, lines 30-48);

Limitation "When said control component receives a control request from said 2<sup>nd</sup> presentation device through said network interface and said control request includes identification data indicating said identification code identifying said user, said identification component determines that the identification code of said identification data in said control request matches the identification code of said

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identification data stored by said identification component and sends a change device request to said control component, said change device request indicating said 2<sup>nd</sup> presentation device, and when said control component receives said change device request indicating said 2<sup>nd</sup> presentation device, said control component causes said information signal component to begin to output said information signal to said 2<sup>nd</sup> presentation device through said network interface” is further met by Harada , as discussed with respect to the 1<sup>st</sup> presentation device because the Harada 's center apparatus 330 able to provide service request to plurality of terminals according to each terminal requests associated with its corresponding identification code (Col. 30, lines 13-63);

Claim 20, limitation “wherein, when said control component receives a reserve request from said 1<sup>st</sup> presentation device through said network interface and said reserve request includes identification data indicating said identification code identifying said user, said identification component determines that the identification code of said identification data in said reserve request matches the identification code of said identification data stored by said identification component and sends a pause command to said control component, said pause command indicating said 1<sup>st</sup> presentation device, and

When said control component receives said pause command indicating said 1<sup>st</sup> presentation device, said control component causes said information signal

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component (DVD, el. 2) to stop outputting said information signal to said 1<sup>st</sup> presentation device through said network interface;

Such that said information signal component (device 2) begins to output said information signal to said 2<sup>nd</sup> presentation device from the point in said information signal when said control component stopped outputting said information signal to said 1<sup>st</sup> presentation device” is further met by Harada because Harada ‘s center apparatus could be controlled and programmed by an operator to pause and to redirect the information/video signal that is currently presented to a particular terminal (i.e., 1<sup>st</sup> presentation device) to another particular terminal (i.e., 2<sup>nd</sup> presentation device) if a received command request condition is met, i.e. authorized user (Col. 30, lines 13-Col. 31, lines 43).

Claim 22, limitation “wherein said identification component includes an identification code detector (14) for extracting an identification code indicated by identification data in a control request and a determining component (13) for comparing an identification code indicated by stored identification data with an identification code indicated by identification data extracted by said identification code detector (14)” is further met by Harada because Harada ‘s center apparatus must have an identification code detector and a determining component in order to determine authorized user request as disclosed at Col. 29, lines 55-Col. 30, lines 63).

Claim 23, limitation "wherein the identification code indicated by said identification data of said control request is received by said 2<sup>nd</sup> presentation device from a remote control device" is further met by Harada because the center apparatus receive control command request from any terminal apparatus that receives remote control command with its identification code associated with it (Col. 30, lines 46-63; Col. 31, lines 29-43).

Claim 24, limitation "wherein the identification code indicated by said identification data stored by said identification component is received by said 1<sup>st</sup> presentation device from said remote control device" is further met by Harada because the center apparatus receive control command requests from any terminal apparatus that receives remote control command with its identification code associated with it (Col. 30, lines 46-63; Col. 31, lines 29-43).

Claim 26, Harada further discloses wherein the identification code indicated by said identification data of said control request is generated using voice recognition and a voice sample from said user (Col. 31, lines 35-43).

Claim 27, Harada further discloses comprising a remote control device that provides identification data that indicating said identification code identifying said user to said 2<sup>nd</sup> presentation device (Col. 30, lines 50-63).



Claim 28, Harada further discloses wherein said remote control device includes an identification code detector that generates identification data indicating said identification code identifying said user based on input received from said user (Col. 31, lines 35-43).

Claim 29, Harada further discloses wherein said remote control includes a keypad for receiving input from said user (must have so user could input password code; Col. 31, lines 35-43).

Claim 30, method claim 30 is met by Harada with respect to the same analysis as discussed in apparatus claims 19.

Claim 31, method claim 31 is met by Harada with respect to the same analysis as discussed in apparatus claims 20.

Claim 32, Harada further discloses wherein said information signal includes video information (Col. 15, lines 43-56).

Claim 33, "wherein the identification code indicated by said identification data of said control request is received by said 2nd presentation device from a remote control device" is further met by Harada because the center apparatus receive control command request from any terminal apparatus that receives remote control command with its identification code associated with it (Col. 30, lines 46-63; Col. 31, lines 29-43).

Claim 34, Harada further discloses wherein the identification code indicated by said identification data of said control request is generated using voice recognition and a voice sample from said user (Col. 31, lines 35-43).

Claim 35, Harada further discloses:

Receiving said identification code identifying said user at a remote control device (Col. 31, lines 35-43);

Adding identification data indicating said identification code identifying said user to said control request; and Sending said control request to said 2nd presentation device (Col. 26, lined 35-Col. 27, lines 65).

Claim 36, Harada further discloses:

Comprising attribute information of said 2nd presentation device with attribute information of an information signal system to determine compatibility between said 2nd presentation device and said information signal system;

Wherein the attribute information of said 2nd presentation device is included in said control request, and

Wherein said information signal system outputs said information signal to said 2nd presentation device after determining that said 2nd presentation device and said information signal system are compatible ('compatible' read on "system operating conditions"; Col. 28, lines 3-25).

Claim 37, Harada discloses as discussed in claim 19, a system for transmitting an information signal, comprising:

Means 326 for storing identification data indicating an identification code identifying a user (Col. 24, lines 30-44);

Means 327 for outputting an information signal (data streamer) to 1<sup>st</sup> presentation device through a network interface (Col. 24, lines 25-30).

“Means for processing a control request from a 2<sup>nd</sup> presentation device received through said network interface, said control request (come from RC claim 39) including identification data indicating said identification code (claim 40) identifying said user” and “Means for comparing the identification code (claim 40) of said identification data in said control request (come from RC claim 39) with the identification code of said stored identification data” and “Means for starting to output said information signal to said second presentation device through said network interface” reads on the CPU 324 to perform all the functions claimed (Col. 24, lines 24-48) and further met by because the Harada 's center apparatus 330 able to provide service request to plurality of terminals according to each terminal requests associated with its corresponding identification code (Col. 30, lines 13-63);

Claim 38, the “Means for processing”, “means for comparing” and the means for stopping” reads on the CPU 324 to perform all the function claimed as “for comparing the identification code of said identification data in said reserve request (from 1<sup>st</sup> device) with the identification code of said identification data stored by said

identification component”; “for comparing the identification code of said identification data in said reserve request (from 1<sup>st</sup> device) with the identification code of said identification data stored by said identification component”; “for stopping outputting said information signal” as discussed in claim 37.

Moreover, limitation “Wherein said information signal begin to be output to said 2<sup>nd</sup> presentation device from the point in said information signal when said information signal is stopped to be output to said 1<sup>st</sup> presentation device” is further met by Harada 's center apparatus wherein Harada discloses that the center apparatus could be controlled and programmed by an operator to pause and to redirect the information/video signal that is currently presented to a particular terminal (i.e., 1<sup>st</sup> presentation device) to another particular terminal (i.e., 2<sup>nd</sup> presentation device) if a received command request condition is met, i.e. authorized user (Col. 30, lines 13-Col. 31, lines 43).

Claim 39, Harada further discloses:

Means for receiving said identification code identifying said user at a remote control device (Col. 25, lines 39 - Col.26, lines 35); means for adding identification data indicating said identification code identifying said user to said control request; and

Means for sending said control request to said 2<sup>nd</sup> presentation device(Col. 26, lined 35-Col. 27, lines 65).

Claim 40, Harada further discloses:

Voice recognition means for generating an identification code based on a voice sample received from a user (Col. 26, lines 15-35).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (US 5721583).

Claim 21, Harada's center apparatus must have an information signal component in order to perform as disclosed by providing video/audio data to corresponding terminal apparatus as discussed above in claim 19. However, Harada does not disclose "a video reproduction component (block) and a video output component (block)".

Official Notice is taken that a video reproduction component and a video output component built-in an information signal component is notoriously well known in art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harada to have a video reproduction component and a video output component built-in an information signal component

so the information signal component could reproduce/playback video data in appropriate video format to display.

Claim 25, as to "wherein said 1<sup>st</sup> presentation device is a television", Harada does not clearly disclose it but Harada discloses that the terminal apparatus could receive television signal (see Fig. 3A).

Official Notice that "a television" is used as a presentation device is notoriously well known in the art for displaying image of television signal to user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Harada's terminal apparatus to become "a television" so the terminal apparatus could be come an intelligent television device.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
08/20/2004

A handwritten signature in black ink, appearing to read "HAITRAN", written over two horizontal lines.

HAITRAN  
PATENT EXAMINER